

REMARKS

I. Summary of Office Action

Claims 1-20 were pending in the application.

The Examiner rejected claims 1-20 under 35 U.S.C. § 103 as being obvious from Barber U.S. Patent No. 5,930,777 ("Barber") in view of Siegel et al. U.S. Patent No. 6,018,723 ("Siegel").

II. Summary of Applicants' Reply

Applicants have canceled claims 1-20 and added new claims 21-24. Cancellation of claims 1-20 and the presentation of new claims 21-24 are being made solely to expedite prosecution, and do not constitute acquiescence to any of the Examiner's rejections of the claims. Support for the new claims can be found throughout the present application. Applicants reserve the right to prosecute the subject matter of any claim that was amended in one or more continuation, continuation-in-part, or divisional applications.

The Examiner's rejections are respectfully traversed and new claims 21-24 in light of the cited references are discussed.

Reconsideration of this application is respectfully requested.

III. The Rejection and New Claims 21-24

Because applicants have canceled claims 1-20, the rejections of the claims are moot, and therefore should be withdrawn.

New claims 21-24 are drawn to similar subject matter as claims 1 and 2, 4 and 5, 7 and 8, and 10 and 11, respectively, but are presented in the form of new claims for the purpose of clarity.

New claims 21-24 each relate to methods for detecting denial of service attacks on a resource in an electronic system, wherein access to the resource is based on payments in electronic security value units. Among other things, claims 21-24 include:

indicating a denial of service attack based upon the comparison of the patterns of payments to the predetermined patterns of payment.

In rejecting claims 1-20, the Examiner asserted that Barber and Siegel show each of the elements of those claims. Barber is directed to a “method for charging a consumer for access, over a network, to a vendor’s information; in particular, a method for this pay-per-access over the Internet.” (Barber, Abstract). Siegel is directed to “methods and apparatus for transforming scorable transaction data into financial data features.” (Siegel, Abstract.) The scorable transactions in Siegel are generally transactions performed using a bankcard, e.g., credit card. (Siegel, column 4, lines 36-41.)

In applying Barber and Siegel to claims 1-20, the Examiner stated that “Barber does not disclose detecting patterns of payments or comparing the patterns of payments to predetermined patterns of payments.” (Office Action, page 3, paragraph 9.) Therefore, the Examiner instead relied on Siegel as allegedly showing detecting patterns of payments and comparing the patterns of payments to predetermined patterns of payments. (Office Action, page 3, paragraph 10.)

Unlike what is recited in each of new claims 21-24, however, nowhere in Barber or Siegel is there any disclosure or suggestion of “indicating a denial of service attack based upon the comparison of the patterns of payments to the predetermined patterns of payment.” Rather, Barber is unrelated to such comparisons (as acknowledged by the Examiner) and Siegel is directed to detecting fraudulent credit card transactions, not denial of service attacks.

Accordingly, for at least the reasons set forth above, Barber and Siegel neither disclose nor suggest:

- indicating a denial of service attack based upon the comparison of the patterns of payments to the predetermined patterns of payment.

Therefore, Barber and Siegel, whether taken alone or in combination, cannot and do not disclose or suggest methods for detecting denial of service attacks on a resource in an electronic system, wherein access to the resource is based on payments in electronic security value units, including:

- detecting patterns of payments for the resource over a plurality of users in electronic security value units;

- comparing the patterns of payments to predetermined patterns of payment;

- and

- indicating a denial of service attack based upon the comparison of the patterns of payments to the predetermined patterns of payment,

as recited in claim 21. Independent claim 21 is therefore allowable.

Similarly, the combinations of elements in independent claims 22, 23, and 24, which also include “indicating a denial of service attack based upon the comparison of the patterns of

payments to the predetermined patterns of payment," are also not disclosed or suggested by Barber and Siegel for at least the same reasons that claim 21 is not disclosed or suggested. Independent claims 22, 23, and 24 are, therefore, allowable.

IV. Deposit Account Authorization

The Director is hereby authorized to charge any fees that may be due, or to credit any overpayment of the same, to Deposit Account No. 08-0219.

In the event that any extension of time is required in addition to that requested in any petition for extension of time filed previously or herewith, the Director is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 08-0219.

V. Conclusion

For at least the reasons set forth above, Applicants respectfully submit that the present application, as amended, is in condition for allowance. Reconsideration and prompt allowance of the application are respectfully requested.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Matthew T. Byrne', is written over a horizontal line.

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